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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,210

10/21/2003

Takayuki Ohta

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10/15/2007

INTELLECTUAL PROPERTY / TECHNOLOGY LAW

PO BOX 14329

RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,210	OHTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-222 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/21/03</u>  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 recites the limitation "the particular" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claims 3-6 depend from claim 2, therefore claims 3-6 are rejected for the same reasons recited above.

3. Claim 8 recites the limitation "the particular" in line 5. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, the phrase "the particular communication device can communicate and itself" is not clear. Appropriate correction is required.

Regarding claim 8, the phrase in lines 5-6 "the particular communication device can communicate with and itself" is not clear. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9 and 22 lacks the proper preamble necessary for a statutory computer program product claim.

The Examiner suggests a preamble as follows:

"A computer readable medium containing a program for carrying out communication between one communication device and other communication devices by causing a computer to execute, in each of the communication devices". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-15, 17, 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Amro et al. (US 6,292,747).

Regarding claims 1, 2, 8, 9, Amro teaches a communication system (fig. 1) provided with a network and one or more communication devices (102) each communicating with the network and other communication devices or any of them (col. 2, line 46 to col. 3, line 25), wherein: the network has wireless access points for use in connection to the communication devices (when the network employs wireless LAN, col.

Art Unit: 2617

3, lines 30-54), each of the plurality of communication devices (102) has:

communication device notifying means for notifying each of the communication devices, which are informed of an identifier, of communication devices with which it can communicate (i.e., having capability of identifying the presence of other communication devices, col. 2, lines 50-60), communication path-searching means for searching for a communication path to and from communication devices with which the particular communication device can communicate on the basis of the notified communication devices (i.e., traveler having the communication device can search information about another traveler, col. 2, line 61 to col. 3, line 29), and communicating means for carrying out, on the basis of the communication path acquired as a result of the search, communication with the network via the wireless access points and/or communication with another communication device (col. 3, lines 30-54 and col. 4, line 37 to col. 5, line 20).

Regarding claim 3, Amro teaches one or more of the plurality of communication devices are vehicle-mountable wireless access points (vehicles 102a and 102b).

Regarding claim 4, Amro teaches the communication path-searching means search for a communication path which, as the communication path, links the communication device with which the first mentioned communication device can communicate and the particular communication device via the communication device (col. 4, line 37 to col. 5, line 20).

Regarding claim 5, Amro teaches the communication path-searching means search for a communication path which, as the communication path, minimizes the

Art Unit: 2617

number of the communication devices between the communication device with which the first mentioned communication device can communicate and the particular communication device (i.e. inherent in point-to-point communication, col. 4, line 55 to col. 5, line 20).

Regarding claim 7, Amro teaches the notification of the communication devices with which the particular communication device can communicate and the search for the communication path are repeated at prescribed intervals of time (col. 7, lines 15-25).

Regarding claims 10, 21, Amro teaches an information collecting system (fig. 1) connected to one or more mobile object communication devices (102a, 102b) via the mobile object communication device (102a) and a network (100) and having an information collecting apparatus (110) for collecting information from each of the mobile object communication devices (102a and 102b), wherein: the information collecting apparatus has communication path-searching means for a communication path between the mobile object communication devices, and information collecting means for collecting from each of the mobile object communication devices by use of the searched-for communication path (col. 2, line 47 to col. 3, line 29).

Regarding claim 11, Amro teaches one or more of the mobile object communication devices are vehicle-mountable communication devices (col. 2, lines 47-67).

Regarding claim 12, Amro teaches the mobile object communication devices are provided with wireless access points and the mobile object communication devices are

connected to the information collecting apparatus via the wireless access points (col. 3, lines 30-54).

Regarding claim 13, Amro teaches each of the mobile object communication devices (102) has wireless communicating means (wireless device 108) for communicating with the wireless access points or the other mobile object communication devices by wireless communication, and interconnecting/communicating means for interconnecting communication between the other mobile object communication devices and the wireless access points (col. 3, lines 26-54).

Regarding claim 14, Amro teaches each of the mobile object communication devices further has communication path-searching means for search for a communication path to and from each of the other mobile object communication devices (i.e., traveller having the communication device can search information about another traveler, col. 2, line 61 to col. 3, line 29).

Regarding claim 15, Amro teaches an information collecting apparatus (110) for collecting information from one or more communication nodes (102), provided with communication path-searching means for searching a communication path between the communication nodes and information collecting means for collecting information from each of the communication nodes by use of the searched-for communication path (col. 2, line 47 to col. 3, line 29).

Regarding claim 17, Amro teaches the communication path-searching means search for a communication path which, as the communication path, minimizes the number of the communication nodes between the communication device with which a

given communication node can communicate and the particular communication node (i.e. inherent in point-to-point communication, col. 4, line 55 to col. 5, line 20).

Regarding claim 19, Amro teaches each of the communication nodes informs its own identifier and the identifiers of the communication nodes with which it can communicate to the information collecting apparatus or each of the communication nodes informed of the identifier, and the communication path-searching means search for a communication path between the communication nodes with which it can communicate and itself on the basis of the informed identifier (cols. 5-6).

Regarding claim 20, Amro teaches any of the communication nodes interconnects, on the basis of the communication path, received communication data to the information collecting apparatus that is its communication partner or to a communication node intervening between the information collecting apparatus, which is the communication partner, and the particular communication node if the identifier contained in the received communication data is not the identifier of the particular communication node (cols. 5-6).

### ***Allowable Subject Matter***

8. Claims 6, 16, and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Ford et al.	US 2002/0168958	11/14/2002
Lu et al.	US 5,761,195	06/02/1998
Kobayashi et al.	US 5,724,346	03/03/1998
Tzamaloukas	US 2004/0230370	11/18/2004
Keever et al.	US 2003/0120801	06/26/2003
Handforth	US 5,586,167	12/17/1996
Stlip et al.	US 5,327,144	07/05/1994
Odakura et al.	US 6,922,634	07/26/2005
Kawamoto	US 6,907,255	06/14/2005
King et al.	US 7,099,774	08/29/2006
Friedman	US 6,714,791	03/30/2004

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN  
PRIMARY EXAMINER

JGelin  
October 11, 2007

A handwritten signature in cursive script that reads "Jean Gelin". The signature is written in dark ink and is positioned below the printed name and title.